

APPEAL NO. 020872  
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 27, 2002. The appellant (carrier) contends that the hearing officer's determination that the respondent's (claimant) \_\_\_\_\_, compensable injury extends to the claimant's thoracic and cervical herniated disc and lumbar spine is against the great weight and preponderance of the evidence. The carrier further contends that the hearing officer erred in excluding documents not timely exchanged. The claimant responds, urging affirmance.

DECISION

Affirmed.

The hearing officer's decision to exclude evidence that was not timely exchanged pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.13(c) (Rule 142.13(c)) was not error. To obtain reversal of a judgment based on the hearing officer's abuse of discretion in the admission or exclusion of evidence, an appellant must first show that the admission or exclusion was, in fact, an abuse of discretion and also that the error was reasonably calculated to cause and probably did cause the rendition of an improper judgment. Texas Workers' Compensation Commission Appeal No. 92241, decided July 24, 1992; *see also Hernandez v. Hernandez*, 611 S.W.2d 732 (Tex. Civ. App.-San Antonio 1981, no writ). We find no abuse of discretion in the hearing officer's exclusion of the documents untimely exchanged.

Further, after review of the record before us and the complained-of determinations, we have concluded that there is sufficient support for the hearing officer's decision. *Cain v. Bain*, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company, an impaired carrier**, and the name and address of its registered agent for service of process is

**MARVIN KELLY  
TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION  
9120 BURNET ROAD  
AUSTIN, TEXAS 78758.**

---

Roy L. Warren  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge